

EXHIBITS TO REMOVAL PETITION**STATE COURT DOCKET (28 U.S.C. § 1446(a))**

EXHIBIT	DOCUMENT TITLE	DATE FILED IN SUPERIOR COURT
A	Class Action Complaint	June 7, 2018
B	Civil Case Cover Sheet	June 7, 2018
C	Summons	June 7, 2018
D	Order Deeming Case Complex and Staying Discovery	June 21, 2018
E	Proof of Service	June 29, 2018
F	Proof of Service	June 29, 2018
G	Proof of Service	June 29, 2018
H	Copy of Santa Clara Superior Court docket for <i>O'Brien et.al. v. PopSugar, Inc.</i> , No. 18-CV- 329645,	July 18, 2018

Exhibit A

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Clerk of Court
Superior Court of CA,
County of Santa Clara
18CV329645
Reviewed By: E. Fang

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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SANTA CLARA**
16 **UNLIMITED JURISDICTION**

17 CATHY O'BRIEN and LAURA ADNEY,
18 on behalf of themselves and all others
19 similarly situated,

20 Plaintiffs,

21 v.

22 POPSUGAR INC. and POPSUGAR MEDIA
23 INC.,

24 Defendants.

Case No. 18CV329645

CLASS ACTION COMPLAINT

1. Violation of Unfair Competition Law
2. Violation of Common Law Right of Publicity
3. Interference with Contract
4. Unjust Enrichment

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. Independent bloggers called “influencers” earn a living by styling clothes and
3 positioning products on various social media and other online platforms. Influencers monetize
4 this content with the help of third-party affiliates, like rewardStyle’s LIKEtoKNOW.it or Ebates’
5 ShopStyle. They provide links to purchase products, for which influencers receive either a
6 commission or a royalty based on clicks, depending on the affiliate.

7 2. Thousands of influencers across the country recently learned that PopSugar, a pop
8 culture website focusing on celebrity news, entertainment, fashion, and having its own shopping
9 platform, has impersonated and misappropriated their internet identities without their consent
10 since early or mid-2017. PopSugar scraped influencers’ content, photos, brand, likenesses, and
11 logos and used them to create profiles for each influencer on the PopSugar website for PopSugar’s
12 own commercial gain. PopSugar even removed influencers’ affiliate links from the posts
13 replicated on its website and replaced them with ShopStyle links that would instead pay *PopSugar*
14 for every click made on the influencers’ posts.

15 3. PopSugar did not receive permission from, or even notify, any influencer of its
16 actions, much less pay them for use of their identities and likenesses or for the revenue they
17 unknowingly generated for PopSugar. Thus, PopSugar not only misappropriated influencers’
18 identities and likenesses; it interfered with influencers’ business relationships and profited off
19 their substantial investment of time, effort, and expense. In the process, PopSugar also brazenly
20 and unlawfully usurped influencers’ means of monetizing their own work by replacing their
21 affiliate links with PopSugar’s own.

PLAINTIFFS

22
23 4. Plaintiff, CATHY O’BRIEN, is resident of Santa Clara County and is an
24 influencer that runs a blog called Bay Area Fashionista.

25 5. Plaintiff, LAURA ADNEY, is resident of Santa Clara County and is an influencer
26 that runs a blog called Have Need Want.

27 6. POPSUGAR INC. is a corporation organized and existing under the laws of the
28 State of Delaware, with its principal place of business in San Francisco, California.

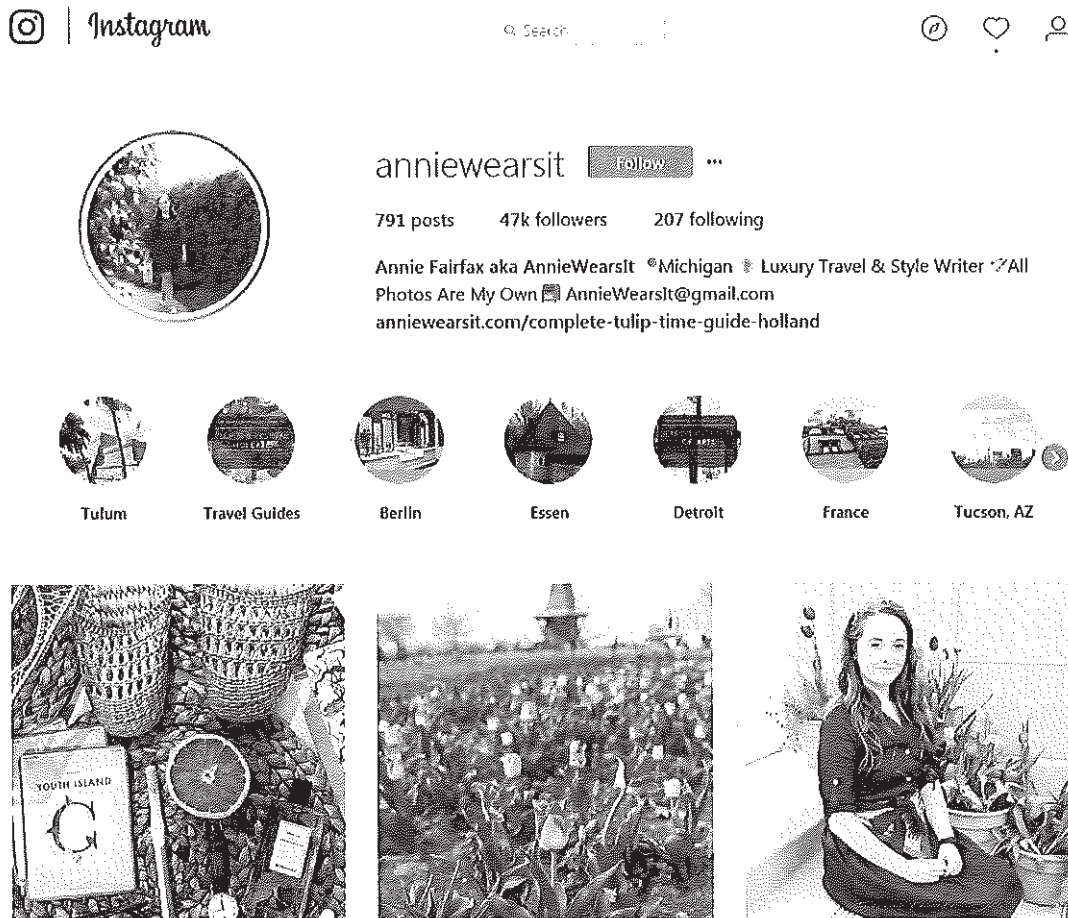
8. This Court has jurisdiction over this action pursuant to Article 6, § 10 of the California Constitution and California Code of Civil Procedure § 410.10. Additionally, this court has jurisdiction over the claims of Plaintiff and members of the proposed class for injunctive relief arising from Defendants' unfair practices under Business and Professions Code §§ 17203-04.

10. Venue is proper in this Court pursuant to Cal. Civ. Proc. Code § 395(a) because Plaintiffs' injuries occurred within this County, Defendants transact business in this County, and the events complained of occurred in this County. Defendants reside in the State of California and are within the jurisdiction of this Court for purposes of service of process.

Social Media Influencers

12. Instagram is the top photo- and video-sharing platform and integrates with other sites such as Facebook, Twitter, Pinterest, and independent blogs. Instagram users publicly post photos and videos to their online profiles, where they can be viewed and “liked”. Like most social

media platforms, users can also “follow” other users such that they automatically see the posts of the people they follow. Some Instagram users have accumulated thousands of followers, so that thousands see their posts every day. Below is the Instagram profile page of user and social media influencer anniewearsit, which includes a profile image of her, her email, a link to her website, as well as her interests:



Instagram profile page of Instagram user anniewearsit

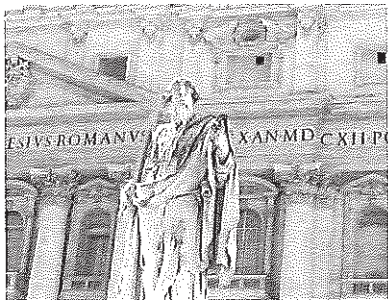
13. To enhance the presence of their online persona, many influencers also operate their own websites and blogs in addition to maintaining social media profiles on Instagram and other websites. Influencers often use their websites as hubs to their online presence with links to their Instagram page, YouTube channel, and other social media platforms. Below is a screenshot

of anniewearsit's website providing her background and links to her profiles on various social media platforms including Instagram:

Collaborate With Me Home Instagram Photography Portfolio Pinterest Shop My Looks Travel YouTube Channel

Annie Fairfax

Travel + Style writer + Photographer



The Complete Traveler's Guide to Vatican City, World's Smallest Country

MAY 16, 2010

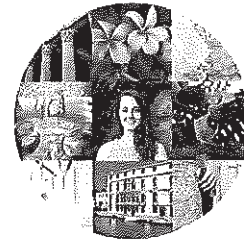
arts & culture travel

I'm not Catholic, so I didn't feel like I had much of a reason to visit the Vatican, but 'when in Rome' as they say, I thought it would be a great half-day trip! I would've been remiss to skip out on the heart of the Catholic faith, and I'm glad we decided to visit. [...]

Share this:



CLICK TO FOLLOW ME ON INSTAGRAM!



A Michigan based Luxury Travel, Style, & Photography Journal by adventurer, writer, and photographer Annie Fairfax.

AnnieWearsit.com is a part of several Affiliate Marketing Programs. If you click links on my site & make a purchase, I may make a (very) small commission from this.



Explore the Tulips of Holland's

Screenshot from anniewearsit.com

14. Retailers recognize the marketing opportunities that influencers provide. Research shows that while only 33% of consumers trust brand advertisements, 90% trust peer recommendations. Similarly, a Nielsen study showed that influencer marketing drives a return on investment over ten times higher than traditional digital advertising. As a result, "Influencer Marketing" has grown quickly and is a means for individuals to supplement income or earn a living. Typically, an influencer will post themselves interacting with and reviewing various products and offer links for interested users to purchase those products from the retailer. If viewers like what they see in the photos, they can follow the link to purchase the items for themselves. Brands and retailers often pay influencers set amounts to feature a product on social media posts. Separately, influencers may also participate in revenue-sharing for the specific products they

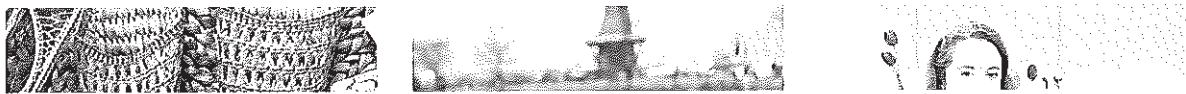
1 promote. Through influencer marketing, retailers collaborate with individuals who have online
2 personas with influence over potential buyers and reach them through social media.

3 15. Third party companies such as RewardStyle and ShopStyle offer affiliate
4 programs acting as an intermediary between retailers and influencers. These third-party affiliate
5 companies track the clicks from the product links displayed on influencer's Instagram profiles or
6 blogs and then charge the retailer or brand and pay the influencer.

7 16. RewardStyle allows influencers to receive a commission on sales from its links. It
8 uses a mobile application called LIKEtoKNOW.it ("LTKI"). Below is an example of a LTKI link
9 in a photo on the Instagram page of anniewearsit (<http://liketk.it/2pnsN>):



21 More posts from anniewearsit



25 October 13, 2016 post on anniewearsit's Instagram page

18. If someone clicks on the individual product photos here, they will be taken to the product page as available for sale on the retailer's website. For example, the image of comb in anniewearsit's Instagram post links to the following page on www.sephora.com, where the individual can purchase the comb:



Purchase page for Sephora comb linked from anniewearsit's Instagram page

19. If someone buys this comb using anniewearsit's LTKI link, the influencer will receive a commission on the sale through RewardStyle. Additionally, once an influencer registers with LTKI, any time a user also registered with LTKI "likes" or screen-shots the influencer's Instagram post, the user will receive e-mails with affiliate links, and have access to those links in the LTKI app, to the items shown in the Instagram post that the user "liked." Influencers, in turn, will then receive a commission on any sales resulting from a user buying retail items from the e-mailed links.

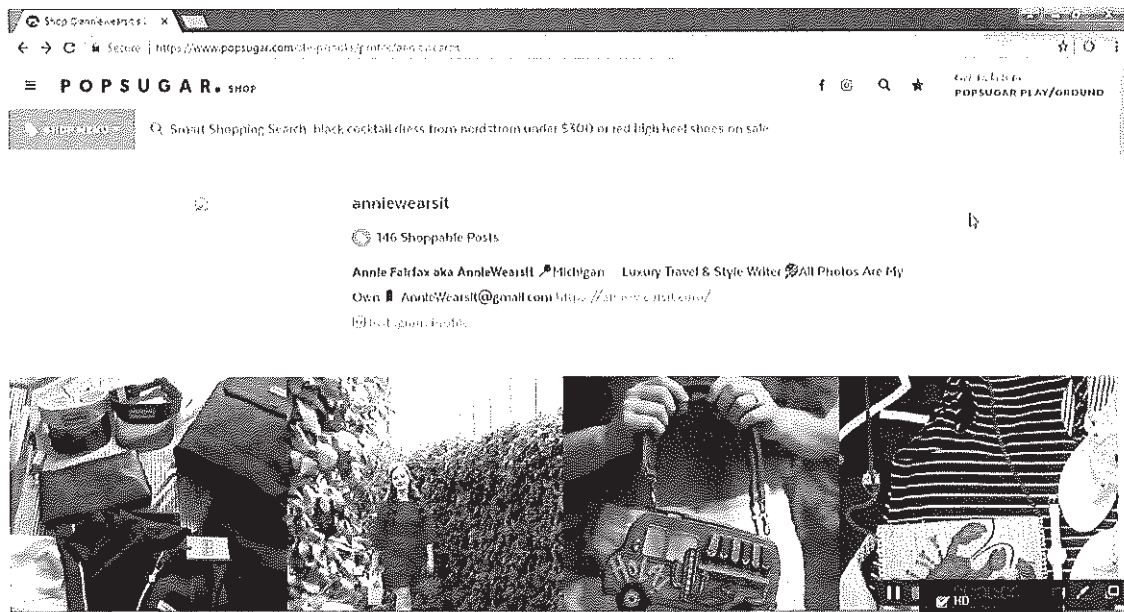
20. Similar platforms like ShopStyle, once owned by Defendants, pay commissions based on the number of people who click on the link (no purchase is necessary).

21. Influencer marketing thus allows many individuals to earn a living using their social media presence and affiliate relationships. RewardStyle alone consists of a global network of 16,000 influencers and has generated over \$1 billion in worldwide sales for its 4,000 retail partners and over 500,000 brands.

PopSugar's Scheme

22. PopSugar is a “lifestyle and media publisher” that delivers “inspiring, informative, and entertaining multi-platform content across entertainment, fashion, beauty, fitness, food, parenting, news and more” from the website www.popsugar.com. A media giant, PopSugar receives more than 20 million unique webpage views per month. With hundreds of employees, PopSugar pays people to produce daily content on popsugar.com and has a dedicated shopping arm.

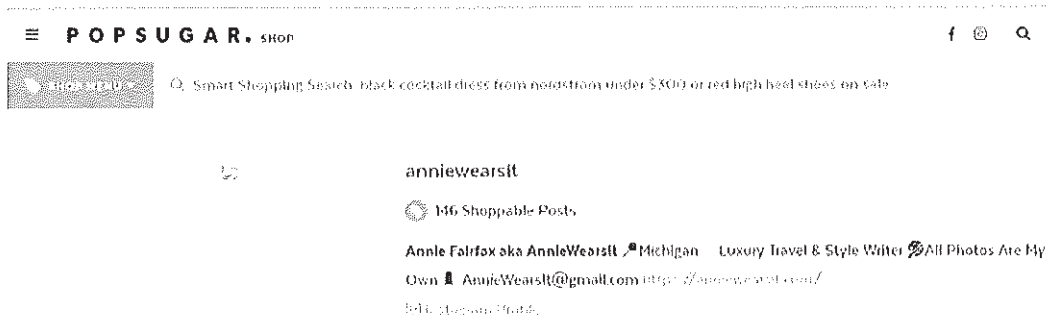
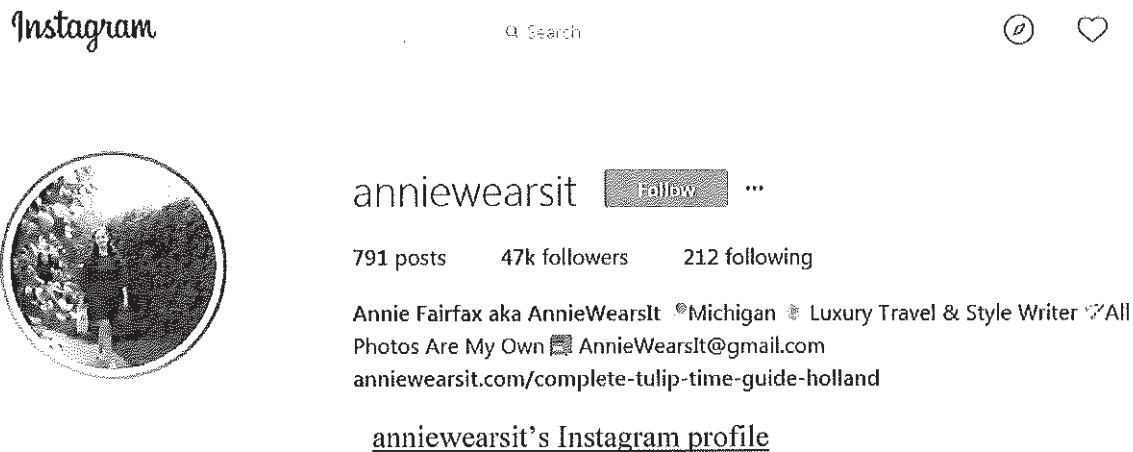
23. In early 2017, PopSugar opened a new “Looks” section within the shopping arm of its website featuring influencer profiles, along with images from their Instagram posts. For example, below is a photo of the PopSugar profile for [anniewearsit](#):



anniewearsit's profile on PopSugar, copied from Instagram

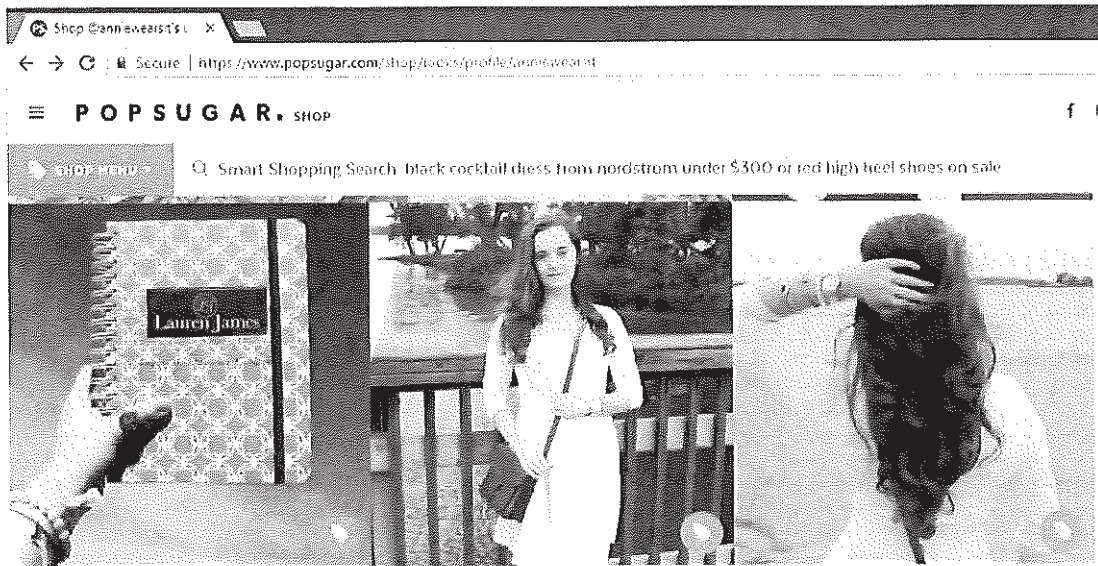
24. As shown above, for each influencer that PopSugar “featured” on its website, it also included their personas, likenesses, logos, and blog titles. For example, PopSugar’s

anniewearsit profile includes the exact language appearing on anniewearsit's Instagram page—even the statement “All Photos Are My Own.” This practice suggested that anniewearsit and other influencers had created profiles and posts on PopSugar. But this had not happened—instead, PopSugar misappropriated influencers' personas by copying likenesses, logos, and content from real influencer profiles and posts and creating fake influencer profiles on the PopSugar website. Images of anniewearsit's Instagram profile and the copied profile appearing on popsugar.com are below:

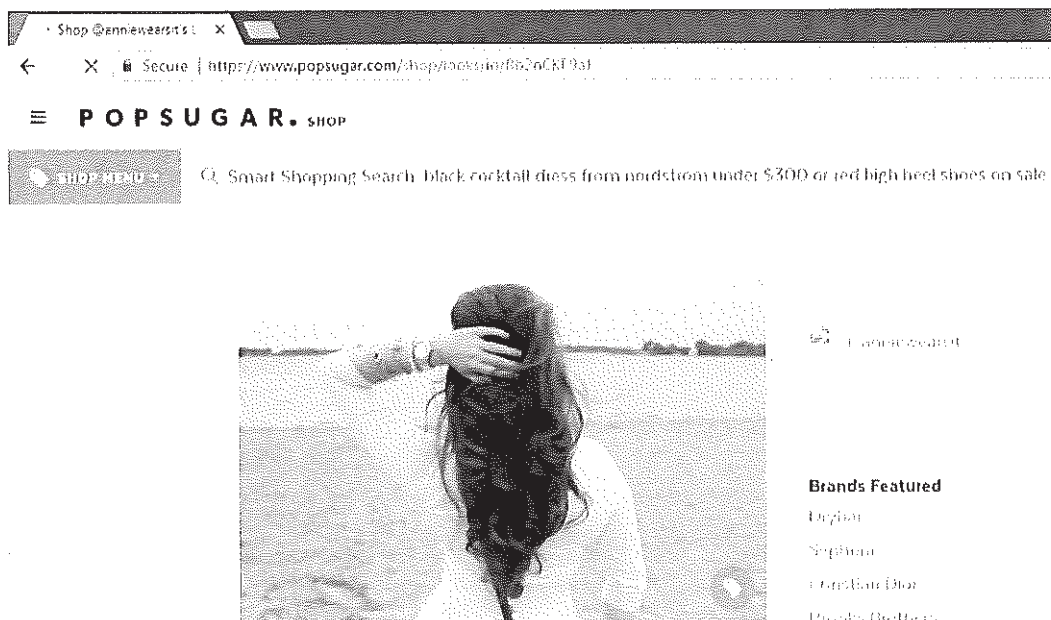


PopSugar's copy of anniewearsit's profile on popsugar.com

25. PopSugar also scraped data from the “shoppable posts” (posts with affiliate links) on influencers’ Instagram and LTKI profiles and recreated those posts on its own website. According to an email from RewardStyle, Popsugar took “millions of pieces of original content from LIKEtoKNOW.it influencers.” For example, below are images of anniewearsit’s October 13, 2016 Instagram and LTKI posts, as recreated by PopSugar on its own website:



PopSugar's profile of anniewearsit with her copied October 13, 2016 Instagram post



PopSugar's copy of anniewearsit's October 13, 2016 LTKI post

26. After scraping these influencers' profiles and content, it then replaced the influencers' RewardStyle links with ShopStyle links. Thus, anytime someone followed an affiliate link from influencer content on PopSugar's website, *PopSugar*—not the actual content creators—received royalties for every click. Below is an image of anniewearsit's October 13, 2016 LTKI post and PopSugar's copy of the affiliate links from that post:



anniewearsit's October 13, 2016 LTKI post

PopSugar's copy of anniewearsit's post (with RewardStyle links replaced by ShopStyle links)

27. If a user clicked on the comb on PopSugar's re-creation of anniewearsit's post, they would be taken to the same Sephora website that anniewearsit had linked on her Instagram. However, instead of anniewearsit receiving a commission, PopSugar would receive it.

1 28. Having misappropriated influencers' personas, likenesses and identities for nearly
 2 a year, PopSugar did not reverse course until exposed by both influencers' and affiliates'
 3 complaints. For example, one influencer wrote "My No. 1 concern was: Okay, they've taken my
 4 photos, but not just of me — also my children. And then they're using it to make money. I never
 5 consented to this." Another influencer described her feelings: "I understand that I post my photos
 6 to the internet, but to have my brand taken from me and represented on a site that I don't choose
 7 to be associated with feels like such a violation of my business."

8 29. Both RewardStyle and ShopStyle have denounced PopSugar's actions. Amber
 9 Venz Box, the founder of RewardStyle wrote to the company's influencers: "As an influencer
 10 myself, I am fully aware of the investment required to create original content and it was
 11 disappointing to see more than 1,800 of my personal images displayed on Popsugar.com, stripped
 12 of all rewardStyle commissionable links and instead monetized by ShopStyle affiliate links." For
 13 its part, Shopstyle rebuked PopSugar's behavior:

14
 15 Several influencers have let us know that PopSugar may have used their content
 16 without influencers' consent. It is important for you to know that ShopStyle is
 17 not currently owned or operated by PopSugar. At ShopStyle, we take content
 18 creators' rights seriously. Using another persons's content without consent is a
 19 violation of our terms and those who do so will be terminated from our network. .
 . . . **PopSugar's ability to create ShopStyle links has been disabled effective
 immediately.**

20 30. Following affiliates' public acknowledgement of PopSugar's misconduct, Brian
 21 Sugar, PopSugar co-founder and chief executive officer admitted that the company had published
 22 the influencer content and monetized it—all without the influencers' consent. PopSugar claimed
 23 that the pages had not been indexed by search engines, but evidence of PopSugar's posts remain
 24 available in cached pages in Google search. For example, Google continues to display text
 25 PopSugar used to describe anniewearsit's images—"AS SEEN ON INSTAGRAM SHOP
 26 MORE":
 27
 28



POPSUGAR anniewearsit



All

Videos

News

Maps

Images

More

Settings

Tools

About 6,980 results (0.58 seconds)

Annie Wears It - Home | Facebook<https://www.facebook.com/anniewearsit/> ▼

AnnieWearsIt.com is a Michigan based luxury travel & style blog created and curated by travel ...

Pop Sugar used 146 of my images, without my permission.

You visited this page on 5/14/18.

Must-Have Products For Spring | POPSUGAR Beauty<https://www.popsugar.com/Beauty/Must-Haves> ▼

As POPSUGAR editors, we write about stuff we love and we think you'll like too. POPSUGAR often has affiliate ... ON INSTAGRAM SHOP MORE. anniewearsit.

Mermaid Powder Makeup Brush | Mermaid Gift Ideas For ... - Popsugar<https://www.popsugar.com/Love/Nostalgia> ▼

Dec 24, 2017 - Captain Blankenship Dry Hair Shampoo AS SEEN ON INSTAGRAM SHOP MORE.

brittlaurenza · anniewearsit · anniewearsit · anniewearsit.

RMS Beauty Lip & Skin Balm | Best Natural Beauty ... - Popsugar<https://www.popsugar.com/Beauty/Best-Of-2018> ▼

Dec 19, 2017 - Captain Blankenship Dry Hair Shampoo AS SEEN ON INSTAGRAM SHOP MORE.

anniewearsit · anniewearsit · lolo_russell · anniewearsit. x.

PopSugar's copies of anniewearsit's posts in cached pages on Google Search

31. Plaintiffs and Class Members are influencers whose personas and online identities were misappropriated by PopSugar for its own benefit and without influencers' consent. To do this, PopSugar used hundreds of their photos and other content; misappropriated their identities, names, and likenesses; and monetized it all for PopSugar's own commercial gain—going so far as to post photos of Ms. Adney's own toddler.

CLASS ALLEGATIONS

32. Plaintiffs, individually, and for the Classes defined herein, incorporate by reference all preceding paragraphs as though fully set forth herein.

33. Pursuant to Code of Civil Procedure § 382, Plaintiffs bring this action on behalf of themselves and the following proposed California Class:

California Class: *All citizens of the State of California for whom PopSugar created a "Looks" profile on PopSugar.com without consent.*

34. Excluded from the Class are the following:

- a. PopSugar;
- b. Any affiliate, parent, or subsidiary of PopSugar;
- c. Any entity in which PopSugar has a controlling interest;
- d. Any and all federal, state, or local governments, including but not limited to their department, agencies, divisions, bureaus, boards, sections, groups, counsels, and/or subdivisions;
- e. individuals, if any, who timely opt out of this proceeding using the correct protocol for opting out;
- f. Any officer, director, or employee of PopSugar;
- g. any successor or assign of PopSugar;
- h. anyone employed by counsel in this action;
- i. any judge to whom this case is assigned; his or her spouse; and members of the judge's staff; and
- j. any person within the third degree of consanguinity to any attorney who appears in the case.

35. Plaintiffs seek to recover injunctive relief and damages on a classwide basis for themselves and the California Class.

36. Plaintiffs may properly maintain this action as a class action for the following reasons:

37. **Numerosity:** Class Members are so numerous that individual joinder is impracticable. The proposed Class contains hundreds, if not thousands of members. The Class is therefore sufficiently numerous to make joinder impracticable, if not impossible.

38. **Common Questions of Fact and Law Exist:** Common questions of fact and law exist as to all Class Members, including whether Defendants misappropriated Class Members' identities and likenesses, whether Defendants posted profiles of Class Members on PopSugar.com, whether Defendants monetized these profiles, and whether Defendants placed affiliate links on profiles of Class Members that they created.

1 39. **Typicality:** Plaintiffs' claims are typical of the claims of Class Members. The
2 injuries sustained by Plaintiffs and the Class flow, in each instance, from a common nucleus of
3 operative facts based on PopSugar's uniform conduct as set forth above. The defenses, if any, that
4 will be asserted against Plaintiffs' claims will be similar to the defenses that will be asserted, if
5 any, against the claims of Class Members.

6 40. **Adequacy:** Plaintiffs are adequate representatives of the Class because their
7 interests do not conflict with the interests of the Class—all seek redress for the same unlawful
8 conduct by PopSugar. Plaintiffs' retained Counsel are competent and highly experienced in
9 complex class action litigation, and they intend to prosecute this action vigorously. The interests
10 of the Class will be fairly and adequately protected by Plaintiffs and their Counsel. Plaintiffs'
11 claims, like those of the Class, are antagonistic to Defendants.

12 41. **Predominance:** Common questions of fact and law predominate over any
13 questions affecting individual Class Members.

14 42. **Superiority:** A class action is superior to other available means of fair and
15 efficient adjudication. The injury suffered by each individual Class Member is relatively small in
16 comparison to the burden and expense of individual prosecution of the complex and extensive
17 litigation necessitated by Defendants' conduct. Moreover, individual joinder of all Class
18 Members is impracticable, if not impossible, because many Class Members are located
19 throughout California. It would be virtually impossible for all Class Members to effectively
20 redress these wrongs on an individual basis. Therefore, a class action is the only reasonable means
21 by which Plaintiffs and the Class may pursue their claims. Moreover, even if the Class Members
22 could afford such individual litigation, the court system could not. Individualized litigation of
23 complex legal and factual issues of this case increases the delay and expense to all parties, and to
24 the court system. By contrast, a class action alleviates management difficulties and provides the
25 benefits of single adjudication, economies of scale, and comprehensive supervision by a single
26 court.

CLAIMS FOR RELIEF**FIRST CLAIM FOR RELIEF****Violations of California Unfair Competition Law**

43. Plaintiffs and Class Members re-allege and incorporate by reference all of the preceding paragraphs.

44. PopSugar violated California's Unfair Competition Law (UCL), Cal. Bus. & Prof. Code § 17200, *et seq.*, by engaging in the unlawful and unfair business acts or practices alleged previously. As described above, PopSugar created online profiles based on the identities, names, and likenesses of Plaintiffs and Class Members without their consent. It also monetized these profiles by including affiliate links paying commissions to PopSugar for every click on the profiles' posts.

45. Plaintiffs and Class Members have an interest in controlling the use of their identities, names, and likenesses. Contrary to Plaintiffs' and Class Members' interests, PopSugar exercised control over Plaintiffs' and Class Members' identities, names, and likenesses, exploiting them for profit without Plaintiffs' and Class Members' consent. As a result, PopSugar's conduct constitutes unfair business practices.

46. PopSugar's conduct also constitutes unfair business practices because the gravity of harm to Plaintiff and Class Members from PopSugar's conduct far outweighs any legitimate utility of that conduct; and PopSugar's conduct is immoral, unethical, oppressive, unscrupulous, or substantially injurious to Plaintiffs and Class Members.

47. PopSugar's business acts and practices are also unlawful in that they violate California's common law right of publicity.

48. As a direct and proximate result of PopSugar's unfair and unlawful business acts and practices, Plaintiffs and Class Members suffered injury in fact and lost money or property, including the lost opportunity to control how their identities, names, and likenesses are used. Plaintiffs also have a vested monetary interest in their appearance on PopSugar's website and PopSugar has deprived them of that interest. Additionally, Plaintiffs and Class Members lost

1 revenue they would have earned otherwise when PopSugar substituted its own affiliate links in
2 the profiles of Plaintiffs and Class Members on the PopSugar website.

3 49. As a result of PopSugar's unfair and unlawful business acts and practices,
4 Plaintiffs and Class Members are entitled to appropriate relief, including injunctive relief,
5 attorneys' fees and costs, restitution, declaratory relief, and a permanent injunction enjoining
6 PopSugar from its unfair and unlawful practices.

7 **SECOND CLAIM FOR RELIEF**

8 **Violation of California's Common Law Right of Publicity**

9 50. Plaintiffs and Class Members re-allege and incorporate by reference all of the
10 preceding paragraphs.

11 51. California's Common Law Right of Publicity protects persons from unauthorized
12 appropriation of the person's identity by another for commercial gain.

13 52. PopSugar knowingly used the names, identities, photographs, and likenesses of
14 Plaintiffs and Class Members to directly advertise or sell products or services.

15 53. PopSugar did not have the consent of Plaintiffs or Class Members to do so.

16 54. Plaintiffs were harmed by PopSugar's actions, including because they were
17 deprived of earnings to which they were entitled.

18 55. Use of Plaintiffs' names, identities, photographs, and likenesses was directly
19 connected to PopSugar's commercial use.

20 56. PopSugar's actions were a substantial factor in causing Plaintiffs harm.

21 57. Plaintiffs and Class Members therefore seek injunctive relief, and such other
22 preliminary and other equitable or declaratory relief as may be appropriate.

23 58. As a direct and proximate result of Defendants' misconduct, Plaintiffs and Class
24 Members have suffered damage and are entitled to monetary damages in an amount to be
25 determined at trial.

THIRD CLAIM FOR RELIEF

Common Law Intentional Interference with Contractual Relationship

59. Plaintiffs and Class Members re-allege and incorporate by reference all of the preceding paragraphs.

60. Plaintiffs and Class Members had valid and existing contracts with third party affiliates that provided links to retail items advertised, modeled, and/or promoted within their online content.

61. By posting Plaintiffs' and Class Members' content on its own website and replacing Plaintiffs' and Class Members' affiliate links with links from its own affiliates, Defendants intentionally and wrongfully interfered with Plaintiffs', Class Members', and their affiliates' performance of these contracts.

62. As a direct and proximate result of Defendants' misconduct, Plaintiffs and the Class Members have suffered and are entitled to monetary damages in an amount to be determined at trial.

FOURTH CLAIM FOR RELIEF

Unjust Enrichment

63. Plaintiffs and Class Members re-allege and incorporate by reference all of the preceding paragraphs.

64. Plaintiffs and Class Members have conferred a benefit upon Defendants, and Defendants have received and retained money from affiliates, all of which belong to Plaintiffs and Class Members as a result of Defendants' co-opting their content, likenesses, and identities and replacing Plaintiffs' and Class Members' affiliate links with those of its own.

65. Defendants appreciate or have knowledge of the benefit.

66. Under principles of equity and good conscience, Defendants should not be permitted to retain money belonging to Plaintiffs and Class Members that it unjustly received as a result of its misconduct.

67. Plaintiffs and Class Members have suffered loss as a direct result of Defendants' misconduct.

1 68. As a direct and proximate result of Defendant's misconduct, Plaintiffs and the
2 Class Members have suffered damage and are entitled to monetary damages in an amount to be
3 determined at trial.

4
5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiffs individually, and on behalf of the Class identified herein, seeks
7 the following relief:

8 A. An order certifying the proposed California Class and appointing Plaintiffs and
9 their counsel to represent the Class;

10 B. An order awarding Plaintiffs and Class Members all lawful damages, including
11 compensatory, consequential, punitive, and statutory, as to the appropriate causes of action;

12 C. An order awarding Plaintiffs and Class Members pre-judgment and post-judgment
13 interest, as well as reasonable attorneys' fees and expert witness fees and other costs as may be
14 applicable; and

15 D. An order awarding such other and further relief as this Court may deem just and
16 proper, including a permanent injunction.

17
18 DATED: June 7, 2018

Respectfully submitted,

19 **GIBBS LAW GROUP LLP**

20
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Attorneys for Plaintiffs

JURY DEMAND

Plaintiffs demand a trial by jury for all issues so triable under the law.

DATED: June 7, 2018

Respectfully submitted,

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Exhibit B

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael L. Schrag (SBN 185832) Steve Lopez (SBN 300540) Gibbs Law Group LLP 505 14th St., Ste. 1110 TELEPHONE NO.: (510) 350-9700 FAX NO.: (510) 350-9700 ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 6/7/2018 4:27 PM Reviewed By: E. Fang Case #18CV329645 Envelope: 1601832
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. First St. MAILING ADDRESS: CITY AND ZIP CODE: San Jose 95113 BRANCH NAME: Downtown Superior Court		CASE NUMBER: 18CV329645 JUDGE: DEPT:
CASE NAME: CATHY O'BRIEN and LAURA ADNEY, et al. v. POPSUGAR INC. and POPSUGAR MEDIA INC.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/DP/WD (23) Non-PI/DP/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/DP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (28) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 4
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 7, 2018
 Michael L. Schrag

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

Exhibit C

SUM-100

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

POPSUGAR INC. and POPSUGAR MEDIA INC.

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

CATHY O'BRIEN and LAURA ADNEY, on behalf of themselves and
all others similarly situated

E-FILED
6/7/2018 4:27 PM
Clerk of Court
Superior Court of CA,
County of Santa Clara
18CV329645
Reviewed By: E. Fang
Envelope: 1601832

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

Santa Clara County Superior Court
191 N. First St., San Jose, CA 95113

CASE NUMBER:
(Número del Caso):

18CV329645

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Michael L. Schrag, Gibbs Law Group LLP, 505 14th St., Ste. 1110, Oakland, CA 94612, (510) 350-9700

DATE: 6/7/2018 4:27 PM
(Fecha)

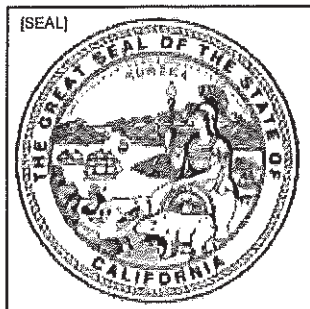
Clerk of Court

Clerk, by E. Fang
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of. (specify):

- ☒ on behalf of (specify): POPSUGAR INC.

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

- ☐ by personal delivery on (date):

Page 1 of 1

Exhibit D

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

191 N. FIRST STREET
SAN JOSE, CA 95113-1090

Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 6/21/2018 3:25 PM
Reviewed By: R. Walker
Case #18CV329645
Envelope: 1649405

TO: FILE COPY

RE: O'Brien, et al. v. PopSugar, Inc., et al.
CASE NUMBER: 18CV329645

ORDER DEEMING CASE COMPLEX AND STAYING DISCOVERY

WHEREAS, the Complaint was filed by Plaintiff **CATHY O'BRIEN** ("Plaintiff"), et al. in the Superior Court of California, County of Santa Clara, on **June 7, 2018** and assigned to Department **5** (Complex Civil Litigation), the **Honorable Thomas E. Kuhnle** presiding, pending a ruling on the complexity issue;

IT IS HEREBY ORDERED that:

The Court determines that the above-referenced case is **COMPLEX** within the meaning of California Rules of Court 3.400. The matter remains assigned, for all purposes, including discovery and trial, to Department **5** (Complex Civil Litigation), the **Honorable Thomas E. Kuhnle** presiding.

The parties are directed to the Court's local rules and guidelines regarding electronic filing and to the Complex Civil Guidelines, which are available on the Court's website.

Pursuant to California Rules of Court, Rule 3.254, the creation and maintenance of the Master Service List shall be under the auspices of (1) Plaintiff **CATHY O'BRIEN**, as the first-named party in the Complaint, and (2) the first-named party in each Cross-Complaint, if any.

Pursuant to Government Code section 70616(c), each party's complex case fee is due within ten (10) calendar days of this date.

Plaintiff shall serve a copy of this Order on all parties forthwith and file a proof of service within seven (7) days of service.

Any party objecting to the complex designation must file an objection and proof of service within ten (10) days of service of this Order. Any response to the objection must be filed within seven (7) days of service of the objection. The Court will make its ruling on the submitted pleadings.

The Case Management Conference remains set for **September 21, 2018 at 10:00 a.m. in Department 5** and all counsel are ordered to attend in person.

Counsel for all parties are ordered to meet and confer in person at least 15 days prior to the First Case Management Conference and discuss the following issues:

1. Issues related to recusal or disqualification;
2. Issues of law that, if considered by the Court, may simplify or further resolution of the case, including issues regarding choice of law;

3. Appropriate alternative dispute resolution (ADR), for example, mediation, mandatory settlement conference, arbitration, mini-trial;
4. A plan for preservation of evidence and a uniform system for identification of documents throughout the course of this litigation;
5. A plan for document disclosure/production and additional discovery; which will generally be conducted under court supervision and by court order;
6. Whether it is advisable to address discovery in phases so that information needed to conduct meaningful ADR is obtained early in the case (counsel should consider whether they will stipulated to limited merits discovery in advance of certification proceedings), allowing the option to complete discovery if ADR efforts are unsuccessful;
7. Any issues involving the protection of evidence and confidentiality;
8. The handling of any potential publicity issues;

Counsel for Plaintiff is to take the lead in preparing a Joint Case Management Conference Statement to be filed 5 calendars days prior to the First Case Management Conference, and include the following:

1. A Statement as to whether additional parties are likely to be added and a proposed date by which all parties must be served;
2. Service lists identifying all primary and secondary counsel, firm names, addresses, telephone numbers, email addresses and fax numbers for all counsel;
3. A description of all discovery completed to date and any outstanding discovery as of the date of the conference;
4. Applicability and enforceability of arbitration clauses, if any;
5. A list of all related litigation pending in other courts, including Federal Court, and a brief description of any such litigation, and a statement as to whether any additional related litigation is anticipated (CRC 3.300);
6. A description of factual and legal issues – the parties should address any specific contract provisions the interpretation of which may assist in resolution of significant issues in the case;
7. The parties' tentative views on an ADR mechanism and how such mechanism might be integrated into the course of the litigation;
8. Whether discovery should be conducted in phases or limited; and if so, the order of phasing or types of limitations of discovery. If this is a class action lawsuit, the parties should address the issue of limited merits discovery in advance of class certification motions.

To the extent the parties are unable to agree on the matters to be addressed in the Joint Case Management Conference Statement, the positions of each party or of various parties should be set forth separately and attached to this report as addenda. The parties are encouraged to propose, either jointly or separately, any approaches to case management they believe will promote the fair and efficient handling of this case. The Court is particularly interested in identifying potentially dispositive or significant threshold issues the early resolution of which may assist in moving the case toward effective ADR and/or a final disposition.

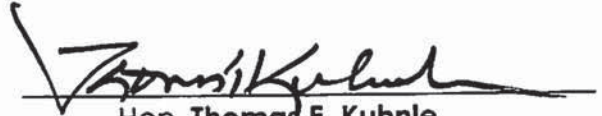
Pending further order of this Court, the service of discovery and the obligation to respond to any outstanding discovery is stayed. However, Defendant(s) shall file a Notice of Appearance for purposes of identification of counsel and preparation of a service list. The filing of such a Notice of Appearance shall be without prejudice to the later filing of a motion to quash to contest jurisdiction. Parties shall not file or serve responsive pleadings, including answers to the complaint, motions to strike, demurrers, motions for change of venue and cross-complaints until a date is set at the First Case Management Conference for such filings and hearings.

This Order is issued to assist the Court and the parties in the management of this "Complex" case through the development of an orderly schedule for briefing and hearings. This Order shall not preclude the parties from continuing to informally exchange documents that may assist in their initial evaluation of the issues presented in this Case.

Plaintiff shall serve a copy of this Order on all the parties in this matter forthwith.

SO ORDERED.

Date: 6-21-18


Hon. Thomas E. Kuhnle
Judge of the Superior Court

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408) 882-2700, or use the Court's TDD line, (408) 882-2690 or the Voice/TDD California Relay Service, (800) 735-2922.

Exhibit E

<i>Attorney or Party without Attorney:</i> Michael L. Schrag, Esq. Gibbs Law Group LLP 505 14th Street, Suite 1110 Oakland, CA 94612 <i>Telephone No:</i> 510-350-9721 <i>FAX No:</i>				<i>For Court Use Only</i> Electronically Filed by Superior Court of CA, County of Santa Clara, on 6/29/2018 6:01 PM Reviewed By: R. Walker Case #18CV329645 Envelope: 1679802	
<i>Attorney for:</i> Plaintiff				<i>Ref. No or File No.:</i>	
<i>Insert name of Court, and Judicial District and Branch Court:</i> Santa Clara County Superior Court					
<i>Plaintiff:</i> Cathy O'Brien, et al. <i>Defendant:</i> PopSugar Inc., et al.					
PROOF OF SERVICE By Mail		<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> 18CV329645

- I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
- I served copies of the Summons; Class Action Complaint; Civil Case Cover Sheet; Civil Lawsuit Notice; ADR Information Sheet
- By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:

a. Date of Mailing: Mon., Jun. 25, 2018
 b. Place of Mailing: Penryn, CA 95663
 c. Addressed as follows: PopSugar Inc.
 Sean MacNew, Agent for Service
 111 Sutter Street, 15th Floor
 San Francisco, CA 94104

- I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Mon., Jun. 25, 2018 in the ordinary course of business.

5. *Person Serving:*

a. Janis Dingman
 b. Class Action Research & Litigation
 P O Box 740
 Penryn, CA 95663
 c. (916) 663-2562, FAX (916) 663-4955

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. *The Fee for Service was:*

e. I am: (3) registered California process server
 (i) Owner
 (ii) *Registration No.:* 15-009
 (iii) *County:* Placer
 (iv) *Expiration Date:* Wed, Jun. 05, 2019

8. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

Date: Mon, Jun. 25, 2018


 (Janis Dingman) micsch.179563

Exhibit F

Attorney or Party without Attorney: Michael L. Schrag, Esq. Gibbs Law Group LLP 505 14th Street, Suite 1110 Oakland, CA 94612 Telephone No: 510-350-9721		<i>For Court Use Only</i> Electronically Filed by Superior Court of CA, County of Santa Clara, on 6/29/2018 6:01 PM Reviewed By: R. Walker Case #18CV329645 Envelope: 1679802	
Attorney for: Plaintiff		Ref. No. or File No.:	
Insert name of Court, and Judicial District and Branch Court: Santa Clara County Superior Court			
Plaintiff: Cathy O'Brien, et al. Defendant: PopSugar Inc., et al.			
PROOF OF SERVICE Summons; Complaint		Hearing Date:	Time:
		Dept/Div:	Case Number: 18CV329645

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the Summons; Class Action Complaint; Civil Case Cover Sheet; Civil Lawsuit Notice; ADR Information Sheet
3. a. Party served: PopSugar Inc.
b. Person served: Sean MacNew, Agent for Service
4. Address where the party was served: 111 Sutter Street, 15th Floor
San Francisco, CA 94104
5. I served the party:
b. by substituted service. On: Mon., Jun. 25, 2018 at: 9:05AM by leaving the copies with or in the presence of:
Angelica Marten, Manager
(1) (Business) a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
(4) A declaration of mailing is attached.
6. The "Notice to the Person Served" (on the Summons) was completed as follows:
on behalf of: PopSugar Inc.
Under CCP 416.10 (corporation)
7. Person Who Served Papers:
a. Andy Esquer
b. Class Action Research & Litigation
P O Box 740
Penryn, CA 95663
c. (916) 663-2562, FAX (916) 663-4955
d. The Fee for Service was:
e. I am: (3) registered California process server
(i) Independent Contractor
(ii) Registration No.: 1009
(iii) County: San Francisco
Recoverable Cost Per CCP 1033.5(a)(4)(B)

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Mon, Jun. 25, 2018

Exhibit G

Attorney or Party without Attorney: Michael L. Schrag, Esq. Gibbs Law Group LLP 505 14th Street, Suite 1110 Oakland, CA 94612 Telephone No: 510-350-9721		For Court Use Only Electronically Filed by Superior Court of CA, County of Santa Clara, on 6/29/2018 6:01 PM Reviewed By: R. Walker Case #18CV329645 Envelope: 1679802	
Attorney for: Plaintiff		Ref. No. or File No.:	
Insert name of Court, and Judicial District and Branch Court: Santa Clara County Superior Court			
Plaintiff: Cathy O'Brien, et al. Defendant: PopSugar Inc., et al.			
AFFIDAVIT OF SERVICE Summons; Complaint		Hearing Date:	Time:
		Dept/Div:	Case Number: 18CV329645

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of the Summons; Class Action Complaint; Civil Case Cover Sheet; Civil Lawsuit Notice; ADR Information Sheet
- Party served: PopSugar Media Inc.
 - Person served: Kristin Bowden, Service of Process Intake Clerk, Caucasian, Female, 30-35 Years Old, Brownish/Blonde Hair, 5 Feet 4 Inches, 250 Pounds
- Address where the party was served: Incorporating Services, Ltd.
3500 South Dupont Highway
Dover, DE 19901
- I served the party:
 - by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Thu., Jun. 21, 2018 (2) at: 9:44AM
- The "Notice to the Person Served" (on the Summons) was completed as follows:
on behalf of: PopSugar Media Inc.
Under (corporation)
- Person Who Served Papers:**
 - Sean Boykevich
 - Class Action Research & Litigation
P O Box 740
Penryn, CA 95663
 - (916) 663-2562, FAX (916) 663-4955

Fee for Service:

I Declare under penalty of perjury under the laws of the State of DELAWARE that the foregoing is true and correct.

(Date)

(Signature)

8. STATE OF DELAWARE, COUNTY OF Kent

Subscribed and sworn to (or affirmed) before me on this 25th day of June 2018 by Sean Boykevich
 proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Shelly Rae Miles
Notary Public
State of Delaware
Kent County

No. 20171211000007

My Commission Expires Dec. 11, 2019

AFFIDAVIT OF SERVICE
 Summons; Complaint

(Notary Signature)

micsch.179564

Exhibit H

Case Information

18CV329645 | O'Brien, et al. v. PopSugar, Inc., et al.

Case Number	Court	File Date
18CV329645	Superior Court of Santa Clara - Civil	06/07/2018
Case Type	Case Status	
Business Tort/Unfair Bus Prac Unlimited (07)	Active	

Party

Plaintiff	Active Attorneys▼
O'Brien, Cathy	Lead Attorney
	Schrag, Michael Lawrence
	Retained
	Work Phone
	5108433670

Plaintiff	Active Attorneys▼
Adney, Laura	Lead Attorney
	Schrag, Michael Lawrence
	Retained
	Work Phone
	5108433670

Notice (Participant)
Superior Court of California

Active Attorneys▼
Lead Attorney
Superior Court of CA, County
of Santa Clara
Retained

Defendant
PopSugar Inc.

Defendant
PopSugar Media Inc.

Events and Hearings

06/07/2018 Summons: Issued/Filed ▼
Comment Summons
06/07/2018 Civil Case Cover Sheet ▼
Comment Civil Case Cover Sheet
06/07/2018 Complaint (Unlimited) (Fee Applies) ▼
Comment Class Action Complaint
06/21/2018 Order: Deeming Case Complex ▼
Order Deeming Case Complex and Staying Discovery and Responsive Pleading Deadline
Comment Order Deeming Case Complex and Staying Discovery and Responsive Pleading Deadline - signed/TEK

06/29/2018 Proof of Service: Summons DLR (Civil) ▼

PopSugar Inc. POS Summons.pdf

Comment

Proof of Service of Summons/Complaint - PopSugar Inc.

06/29/2018 Proof of Service: Summons DLR (Civil) ▼

PopSugar Inc POS Mail Summons.pdf

Comment

Proof of Service of Summons/Complaint by Mail - PopSugar Inc.

06/29/2018 Proof of Service: Summons DLR (Civil) ▼

Popsugar Media POS Summons.pdf

Comment

Proof of Service of Summons/Complaint - PopSugar Media

09/21/2018 Conference: Case Management ▼

Judicial Officer

Kuhnle, Thomas

Hearing Time

10:00 AM

Comment

(1st CMC) Discovery and responsive pleading deadline stayed, as of 6/21/18, when the case was deemed complex.

Documents

Order Deeming Case Complex and Staying Discovery and Responsive Pleading Deadline

PopSugar Inc. POS Summons.pdf

PopSugar Inc POS Mail Summons.pdf

Popsugar Media POS Summons.pdf

